

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CITY OF CHICOPEE acting through  
CHICOPEE PUBLIC SCHOOLS,  
Plaintiff**

**V.**

**DAVID T. As parent and next friend of  
KAITLYN T. and MASSACHUSETTS  
DEPARTMENT OF EDUCATION  
Defendants:**

**CIVIL ACTION NO. 04-30087-KPN**

**AFFIDAVIT OF DEREK M. BEAULIEU**

I, Derek M. Beaulieu, hereby depose and state that:

1. I am an attorney admitted to practice before the courts of the Commonwealth of Massachusetts.
2. I represent the Defendant David T, et al in the above-entitled action.
3. That on July 6<sup>th</sup> I received a proposed Joint Statement regarding scheduling that contained the following language:

## I. Discovery Plan

- A. The parties confirm their obligation to limit discovery as set forth in F.R.C. P 26 (b). Phased discovery is not desired or requested at this time.
- B. All non-expert discovery, including depositions, shall be completed within 45 days of receipt of the transcript of the underlying proceeding.
- C. The Plaintiff shall designate and disclose information regarding its trial experts as required by F.R.C.P 26(a)(2) within 45 days of receipt of the transcript of the underlying BSEA hearing.
- D. The Defendants shall designate and disclose information regarding their trial experts as required by F.R.C.P 26(a)(2)

within 60 days of receipt of the transcript of the underlying BSEA hearing.

E. All expert depositions, if any, shall be completed within 75 days of receipt of the transcript of the underlying BSEA matter.

4. That during the month of July 2004, I left several phone messages and drafted several letter to the Plaintiff's Counsel regarding the Joint Statement plan for Discovery and the Plaintiff's failure to state a claim.
5. Defendant's counsel made ever effort to narrow the issue by conferring with the Plaintiff's counsel.

Dated July 29, 2004

/s/ Derek M. Beaulieu  
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